

058 - PUBLIC DEFENDER

Operational Summary

Mission:

The mission of the Offices of the Public Defender is to provide high quality legal representation to clients in a cost-effective manner.

If the person lacks the resources to hire an attorney, the law requires the appointment of counsel for defendants in criminal cases, minors in Juvenile Court cases, parents in dependency cases, and for a variety of persons in Mental Health cases. The Offices of the Public Defender are dedicated to preserving the constitutional rights of their clients, thereby

protecting those important rights for all County residents. To this end the department provides high quality legal representation in a cost-effective manner to approximately 60,000 clients annually. Approximately 350 dedicated, highly qualified, hard working employees who believe in this ideal strive to achieve the highest level of protection for these clients and to provide the best legal representation they can. This is the mission of the Offices of the Public Defender, delivered in an ethical and responsible manner.

At a Glance:

Total FY 2000-2001 Actual Expenditure + Encumbrance:	33,872,045
Total Final FY 2001-2002 Budget:	35,786,544
Percent of County General Fund:	1.65%
Total Employees:	358.00

Strategic Goals:

- Ensure delivery of superior quality representation for all clients while maintaining a high level of efficiency.
- Enhance personnel development and evaluate staff and resources to ensure quality legal representation for clients, while maintaining a high level of efficiency.
- Continue to secure and upgrade the level of computer/technological hardware and software available to and utilized by Public Defender staff, thereby enhancing the ability to deliver quality services to the clients.

Key Outcome Measures:

Performance Measure	FY 2000-2001 Results	FY 2001-2002 Target	How are we doing?
DEVELOP/UTILIZE A PROFICIENCY INDEX TO MONITOR AND EVALUATE QUALITY REPRESENTATION. What: An internal measurement tool to monitor and evaluate quality representation. Why: The mission of the Public Defender is to provide high quality legal representation to clients.	Continued to develop the Proficiency Index model to ensure, monitor and maintain high quality and efficient representation in all courts. Analyzed compliance with relevant State Bar, NLADA, and American Bar Association Guidelines and worked toward compliance with each of these.	Ensure, monitor and maintain high quality and efficient representation in all courts and be compliant with relevant State Bar, NLADA, and American Bar Association Guidelines and work toward compliance with each of these.	Development of the Index continues and criteria for consideration is being evaluated by senior managers and staff.
PERCENTAGE OF TIME THAT ALL BRANCH COURTS IN THE HJC JURISDICTION ARE ADEQUATELY STAFFED. What: Measurement of adequate representation within the Harbor Justice Centers Why: Adequate representation of clients is a constitutional right.	Worked with CEO and County Committee to implement the Administrative Order #00/3 directing a shift of cases and trials. Hired Extra Help employees to back fill positions to meet the needs temporarily.	Analyze the effects from the shift of cases and trials with appropriate representation in court. Successfully meet the demands of representation in all courts. Seek additional staff to meet court demands.	The Public Defender has moved experienced staff to accommodate the shift of cases and the increase in trials. Extra Help staff has been hired to backfill positions elsewhere in the office.

Key Outcome Measures: (Continued)

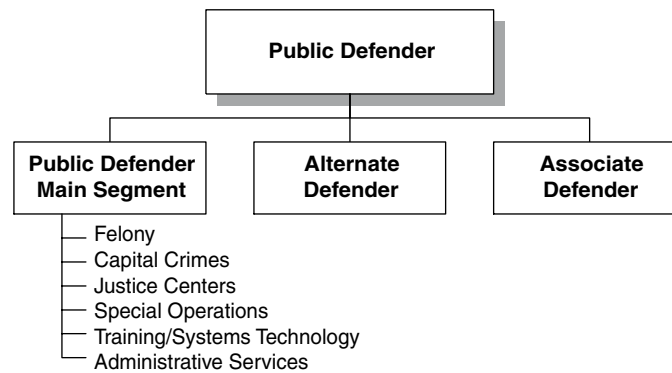
Performance Measure	FY 2000-2001 Results	FY 2001-2002 Target	How are we doing?
PREPARE GUIDELINES, IMPLEMENT, AND TRAIN STAFF REGARDING PROPOSITION 36 BY JULY 1, 2001. What: Purpose is to provide drug treatment instead of incarceration for certain nonviolent drug offenses Why: In November of 2000 Proposition 36 passed with over 60%/CA voter approval (61% in Orange County)	Worked with CEO and other agencies to implement Proposition 36 to serve eligible clients through effective drug treatment. Trained all staff on new legislation and implementation process.	Ensure effective representation of clients involved in Proposition 36 drug courts and programs. Seek to add staff to cover for the increase in trials and court appearances as a result of this new legislation.	Proposition 36 goes into effect on July 1, 2001. The initiative will impact various departments. The Public Defender is involved in multiple coordination efforts with the Courts and the CEO.
PERCENTAGE OF EMPLOYEES PARTICIPATING/ELIGIBLE FOR PIP AND ENLIGHTENED LEADERSHIP FOR YEAR 2001-02. What: PIP and EL are important tools for employees, supervisors, and managers to become top performers Why: The County initiatives are a department priority which promotes satisfaction and professional growth	Utilized the Performance Incentive Program (P.I.P.) to maximize productivity and reward increased competency under the guidelines of the County's initiative. All employees received PIP training. Offered Enlightened Leadership training to supervisors, managers, and LMC members.	Increase productivity and opportunities for employees while recognizing success through the Performance Management Program. Offer Enlightened Leadership to all staff.	All employees are presently involved in the Performance Management Program. Approximately 100 employees have already attended training in Enlightened Leadership which was beyond our original target. The department provided 3 PIP trainers and 1 EL facilitator for County training purposes.
COMPREHENSIVE OVERVIEW OF TRAINING PROGRAM THROUGH STAFF, TOPICS, MANUALS AND IN-HOUSE OPPORTUNITIES What: Training promotes professional growth. Changes in case law effect our ability to represent clients. Why: Training promotes top performance and expands our effectiveness in client representation.	Monitored and arranged for training of staff personnel. Assembled a group and prepared new Felony Training Manual. Continued the development of training unit. Updated and expand the felony training program. Refined the misdemeanor training program. Increased management training opportunities.	Continue to expand training unit and program. Expand topics and incorporate use of technology. Upgrade felony training materials and present new Felony Training Manual to staff.	Developments in case law especially on complex cases has increased workloads and duties of defense attorneys. Legal training to the new as well as the experienced attorney is crucial. Support staff must be trained as well. Advances in technology require training for all staff.
INCREASE ADMINISTRATIVE EFFICIENCY, LOWER VACANCY FACTOR, REVIEW CLASSIFICATIONS, AND EDD REPORTING What: HR functions are the conduit between employees and the agency and necessary to department success. Why: Vacancy rates and recruitments effect the performance of the department and the overall budget.	Evaluated staff needs in all court locations. Worked with CEO/HR to streamline and conduct recruitments to attract desired applicants quickly. Continued participation/commitment to Office Services Project. Worked collaboratively with CEO/HR & DA on paralegal classification issues.	Review department classifications and consider new design for broader classifications to meet department and County needs for the future. Work with CEO on coordinated efforts regarding recruitments and classifications.	The department has been active in keeping recruitments open and positions filled quickly. The administrative unit is the foundation of the department business functions. Efficiency and effectiveness are required.
COMPREHENSIVE OVERVIEW OF TECHNOLOGY IN UTILIZATION, INTEGRATION, TRAINING AND STAFF AVAILABILITY What: Technology and integration will assist work flow, productivity and provide more efficiency. Why: Technology is needed for research, work production, speed, accuracy and ultimate performance	Continued to secure and upgrade technology for defense work to improve quality & efficiency. Increased department resources for technology. Implemented security measures in the PD server to ensure intra-office use for shared work product. Implemented combined case management system/imaging system.	Continue to secure and upgrade necessary equipment and resources for use of technology in legal defense work. Provide adequate legal research tools via technology.	The Public Defender began a great partnership with the Data Center that took the department from an antiquated internal network to the County network. Equipment was purchased linking employees in the department. Efforts will have to be made to maintain the new network and supporting equipment.

Fiscal Year 2000-01 Key Project Accomplishments:

- During 2000 the procedures for handling arraignments were improved such that any defendant seeking the advice of the Public Defender has a lawyer in the holding area to consult with (if in custody), in the courtroom where the arraignment takes place, or available for same-day consultation if after advisement of the right to counsel the defendant indicates a desire to speak with a lawyer.

- In 2000, with the addition of a drug court at the Harbor Justice Center, Drug Courts are operating in all five branch courts in Orange County (as well as Juvenile Court) for the first time. There has been an increase in the number of drug court participants in the County, and an increase in the number of Drug Court graduates in the Central Justice Center, South Justice Center, and North Justice Center. The Public Defender successfully staffed each of these courts with one or more dedicated and well qualified lawyers.
- In the past year the Offices of the Public Defender assigned qualified staff and worked effectively with other agencies in the domestic violence courts in the Central Justice Center and South Justice Center.
- All challenges posed by the Y2K problem were successfully met on all internal systems.
- During the past year the department accomplished the goal of providing a personal computer to each lawyer, along with training in all locations on how to use computer resources.
- During 2000 we accomplished the goal of providing a Dell lap top computer to each investigator in the office, along with training for the investigators in the main office and each branch court in how to use computer resources.
- In the past year the department was able to increase the number of Network devices from 150 to 500, and to fully convert Network devices to Windows NT 4.0, with a dramatic increase in speed with 10MB fiber connections replacing the old 56K Microwave network.
- The Public Defender brief bank was expanded greatly, and the Public Defender Web Page was more fully developed. The web page is a tremendous asset to everyone on staff, as well as to the public in general. For staff it has the extensive brief bank, the department newsletter, current news articles related to the work done in the department, an LMC page, an Investigator page, a "What's new" page, a calendar of upcoming training seminars, an ITT site, list of training seminars, templates, legal resources, and numerous links to other helpful sites.
- Access to the Internet was expanded and has proved to be a valuable tool, particularly to the staff investigators and paralegals.
- During 2000 the department successfully integrated into the branch court offices several lawyers new to the practice of law or new to the Offices of the Public Defender. These lawyers were provided with intensive training during their first two weeks with the office. A "New Attorney" training manual was developed, reproduced and distributed to these lawyers, and will be updated and used in future training as well.
- The Public Defender agreed to provide an attorney representative to serve with others on a committee as part of the District Attorney's program to exonerate wrongfully convicted prison inmates through the science of DNA.
- Every lawyer in the department eligible for the PIP bonus completed the required training and received the bonus. The program was also successful on behalf of non-lawyer staff who earned the pay and enhanced their performance.
- The build-out was completed for the Public Defender Central Justice Center branch office, and staff moved into the expanded facilities, a big improvement from the overcrowded conditions previously endured.
- Extensive training was completed in many areas, including capital case litigation and homicide case litigation for lawyers, investigators and paralegals; monthly or bi-monthly office-wide lawyer training on various subjects; technology training office-wide; heavy attendance at off-site training for lawyers and investigators; and training of managers in a variety of subjects dealing with Human Resources issues and improving managerial skills.

Organizational Summary



PUBLIC DEFENDER MAIN SEGMENT - The Offices of the Public Defender consist of three distinct and separate law offices. These are the Public Defender Office, the Alternate Defender Office, and the Associate Defender Office.

The Public Defender Office - The main unit is referred to as the Public Defender Office and is made up of several distinct sections. In the Santa Ana main office at 14 Civic Center Plaza are the felony panel, the writs and appeals section, the W&I Section 6600 section, the capital case section, the training section, the computer systems section and senior managers. In a separate Santa Ana location is the Mental Health section, and in the City of Orange there is a juvenile court branch consisting of the child dependency section and the delinquency section. There are also five branch offices located in Fullerton (North Justice Center), Santa Ana (Central Justice Center), Westminster (West Justice Center), Newport Beach (Harbor Justice Center), and Laguna Niguel (South Justice Center). Attorneys and support staff work at each of these locations. The main unit provides representation in approximately 60,000 cases annually. These include misdemeanor and felony criminal cases, Juvenile Court cases and Mental Health cases.

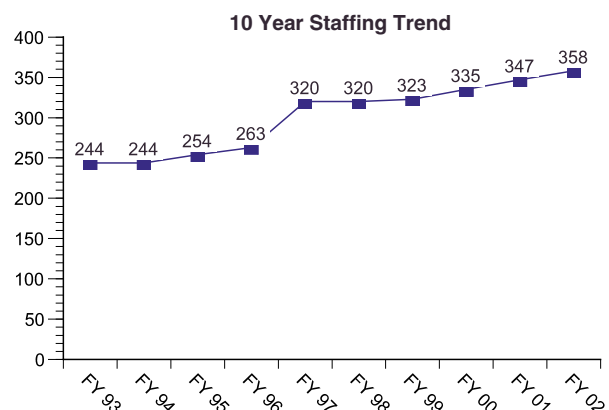
ALTERNATE DEFENDER - The Alternate Defender Office is located in Santa Ana, and handles the first level of conflict cases (except for cases arising in Juvenile Court). There are approximately twenty lawyers employed in the Alternate Defender office, with a full complement of support staff (investigators, interviewers, and clerical personnel prima-

riarily). The Alternate Defenders represent clients who, because of a conflict of interest, cannot be represented by the main unit, often because more than one defendant is charged. The Alternate Defender represents about 3,400 clients annually.

ASSOCIATE DEFENDER - The Associate Defender Office is located in Santa Ana and is staffed by one or two lawyers, with a small support staff. This unit handles two or three complex cases (including capital cases) at one time. These are cases that, because of a conflict of interest, would previously have been handled by court-appointed private lawyers at greater cost than under the current system.

PUBLIC DEFENDER EXECUTIVE MGT - Department Head and immediate support staff.

Ten Year Staffing Trend:



Ten Year Staffing Trend Highlights:

- Staffing trends for the Public Defender often reflect demographic and sociopolitical changes. For example, in January of 1995 County bankruptcy led to the Office of the Public Defender being divided into three independent units at the direction of the Board of Supervisors. The newly created units undertook representation of conflict clients previously represented by court-appointed private lawyers, and the intended effect of this change was to produce annual savings to County taxpayers. The net effect has been millions of dollars in savings.
- Other changes in staffing have occurred in response to and in cooperation with court consolidation, the expansion of the drug courts throughout the County, implementation of Proposition 36, and appropriate representation of clients in the arraignment courts. The net effect has been a small increase in staff size.

Budget Summary

Plan for Support of the County's Strategic Priorities:

The Public Defender has committed staff and support for various County of Orange initiatives such as the new Performance Management System, Enlightened Leadership, Results Oriented Government (ROG) and County restructuring. These initiatives have resulted in many new responsibil-

ities within the department, particularly with regard to the administrative unit. The Public Defender is actively involved with the Labor Management Committee, has had three PIP (Performance Incentive Program) trainers, participates on the PIP Implementation Committee, the Enlightened Leadership Steering Committee, and has one EL trainer.

The Public Defender will continue its commitment to the County Initiatives and Strategic Priorities in FY 2001/02.

Changes Included in the Base Budget:

The Public Defender main unit has requested changes to the base budget that are presently being recommended by the CEO. These changes include the creation of a technology budget within the Public Defender's budget and an increase in staff positions in technology to meet the increased demands in the ITT unit. These changes are needed as a result of the conversion that took place due to Y2K. The Data Center and CEO/ITT brought Public Defender technology up to the County standard. Over the past 2 years, computers, software, printers and network equipment had to be purchased to support the new network and to provide intranet capability. Our current request is for a new budget section to maintain and support our new system.

An additional change recommended by the CEO is to provide our Chief Deputy Public Defender with an executive secretary (Secretary III) to assist, support and maintain documents for this high level manager.

Approved Budget Augmentations and Related Performance Results:

Unit/Amount	Description	Performance Plan	Ref. Num.
Administrative Support Amount: \$ 109,077	Add Grant Writer to seek additional revenue sources.	Increase revenue through grant apps. Save Atty hours, cost of copy service & clerical overtime.	058-003
Proposition 36 Implementation Amount: \$ 454,629	Add 5 Attorney III positions to address Prop 36 caseload.	None	058-004

Final Budget and History:

Sources and Uses	FY 1999-2000 Actual Exp/Rev ⁽¹⁾	FY 2000-2001 Final Budget	FY 2000-2001 Actual Exp/Rev ⁽¹⁾	FY 2001-2002 Final Budget	Change from FY 2000-2001 Actual	
					Amount	Percent
Total Positions	N/A	347	N/A	358	358	0
Total Revenues	1,582,220	1,983,082	2,615,006	2,837,711	222,705	9
Total Requirements	30,001,757	32,443,693	34,152,851	35,786,544	1,633,693	5
Net County Cost	28,419,537	30,460,611	31,537,845	32,948,833	1,410,988	4

(1) Amounts include prior year expenditures and exclude current year encumbrances. Therefore, the totals listed above may not match Total FY 2000-01 Actual Expenditure + Encumbrance included in the "At a Glance" section.

Detailed budget by expense category and by activity is presented for agency: PUBLIC DEFENDER in the Appendix on page 404.

Highlights of Key Trends:

- The services of the Public Defender are mandated by the United States Constitution, case law, and State statutes. The Offices of the Public Defender funding increases are a result of increased services within the courts, the meeting of County initiatives, and the need for funding technology, all of which are necessary to the mission of the Public Defender of providing high quality legal representation to clients in a cost effective manner.
- The department participates in all possible reimbursement programs and grants. In seeking a grant writer position we can obtain funding sources outside of the County General Fund that would help offset expenses and reduce the department NCC
- We also believe that through the use of technology we can become more efficient and, thus, better serve our clients. Technology continues to be a crucial tool for legal research and case management as well as a tool for communication and training.
- Unfortunately, the department has little to no impact on legislative changes that create demands in the courts. We will continue to work closely with the courts and other County agencies to streamline processes and coordinate efforts to promote efficiency of staff. Attorneys are required to meet the demands of the courts as they represent their clients. Adequate staff is needed to support the work of the office both in the courts and throughout the County.
- The Offices of the Public Defender are committed to the successful completion of the department goals and the full implementation of County Initiatives. The staff is dedicated to the work of defending the rights of the clients and of all residents of Orange County.

Budget Units Under Agency Control

No.	Agency Name	PUBLIC DEFENDER MAIN SEGMENT	ALTERNATE DEFENDER	ASSOCIATE DEFENDER	PUBLIC DEFENDER EXECUTIVE MGT	TOTAL
058	PUBLIC DEFENDER	32,410,046	2,944,452	214,291	217,755	35,786,544
15N	DELTA SPECIAL REVENUE	22,120	0	0	0	22,120
	Total	32,432,166	2,944,452	214,291	217,755	35,808,664